Court of Appeal A2/2015/2818

Mark Anthony Taylor
vs
1. Anshu Jain
2. Deutsche Bank AG
3. HSBC PLC
4. Barclays Bank PLC
5. UBS AG
6. JP Morgan
7. Citigroup
8. Royal Bank of Scotland Group PLC

Notice of New Evidence – UBS's Confession 23rd Oct 2015

1. On the 27th September 2015 Bloomberg reported that UBS, the 5th defendant, confessed to precious metal price manipulation. The confession was made to the US Department of Justice – the 'DoJ'.
2. I discovered this new evidence while I was in the process of applying to set-aside/stay costs to the High Court and to set aside of the CRO. This came about as a result of Court of Appeal and High Court officials advising me on how to stay costs without having fee exemption – they advised me to set aside the CRO in the High Court first to enable fee exemption so that I could then stay costs.
3. On the 28th of Sept 2015 I submitted the new evidence in an email to Judge McKenna of the Birmingham High Court who was processing my set aside application, In response to that application he said it was misconceived to contest the CRO while pursuing an appeal to that CRO in the Court of Appeal – but his order gave me permission to vary his judgement in a hearing. On the day he made the judgement, he received the email – so it was possible he had signed off the court order before reading the email.
4. I thus took advantage of the offer to vary the judgement, and used the new evidence as the basis for the set aside of the CRO, in that it showed that the defendant(s) had perjured themselves – denying precious metal manipulation in a bare denial and such – but having confessed to the precious metal market manipulation to the DoJ at the same time.
5. Since this matter was fairly elementary, I believed the High Court had the opportunity and jurisdiction to short-cut the appeal of the strike out verdict, and so save the costs to the taxpayer of a Court of Appeal hearing, in which three judges would need to spend a day or so on the claim, compared to one High Court judge who would need spend only an hour on the matter.
6. On reflection, I still believe the Court of Appeal should hear the appeal in any case, since the issue is not just the set aside of the strike-out application, but egregious corruption of a High Court judge, some of the issues of such are outside the jurisdiction of the JCIO. The JCIO has recently told me it has re-opened the complaint investigation against Judge Simon Brown QC.
7. In the oral hearing to vary Judge McKenna's verdict, on Wednesday 21st October, defendants 1-5 were accused by me of perjury, using the evidence found in the Bloomberg report. The judge for that hearing

was **Sir Charles Haddon -Cave**.

8. No defendant supplied a witness statement before or during the hearing, and no defendant produced a useful witness to admit or deny perjury, or admit or deny that a confession had been made to the DoJ. In the absence of witness statements or useful witnesses, I immediately began the hearing with a preliminary statement of two paragraphs demanding the defence be struck out, on the basis that skeleton arguments were not backed up by signed belief statements. That is, there was no liability for the defendants in their arguments, which is clearly unlawful and inappropriate given the severity of the accusations I made, and the strength of the evidence.
9. The judge kept interrupting, and would not let me complete the paragraphs, then went on to ask an open ended question regarding the jurisdiction of the court. I told him that I had articulated the matters in the application notice, and I then asked him if he had read the application. He said that he had done so. Given that he was allowing defendants to argue without being liable, and given his obstructive response, I immediately demanded his recusal on those grounds. He stonewalled, and I then told him it was an act of misconduct to ignore the recusal. He ignored me again, and which point I said it was then a matter for the JCIO, and Court of Appeal, and the hearing thereon unlawful.
10. He then went on to give defendants the motion to speak. Daniel Chumbley of HSBC began his defence. I objected, and demanded Mr Chumbley say who was liable for his argument. Neither Daniel Chumbley or the judge would say whom. I then made it clear, and repeated throughout the hearing, that no witness statements had been filed by the defence, and it was entirely an unlawful defence. I later asserted that the defence material was not delivered to me within 7 days of the application notice, so constituted an ambush defence, which is also outlawed by the CPR.
11. The judge not once in the hearing explained why he did not accept his recusal. He did not so much as contest recusal but ignored it. Nor did he ever explain why he gave leave for the defendants to argue without liability, I pointed out it was an article 6 violation, of my right to a fair trial, as there was asymmetry of liabilities, and this he ignored this too. There was absolutely no attempt from him to explain himself, refute the logic of the recusal, or allow me the forensic exposition of jurisdiction and evidence which I needed to prove my case.
12. The judge said the new evidence should be adduced to the Court of Appeal.
13. Contradicting his statement in part 12, the judge also said that there was no new evidence (later referring to the news of a confession as news of an investigation). He said that the matters I had raised were already said in the July hearing. This was patent nonsense – UBS's confession to the DoJ was first reported by Bloomberg on 20th May 2015 – after I had posted my replies to the defence. The replies to the defence, other than the notices to admit facts contained no references to the DoJ, nor to UBS's confession.
14. The judge was clearly inquisitorial, obstructive, reticent and made patent misrepresentation of the evidence that should be undeniable given a

comparsion of the court recording with the content of the Bloomberg's report. There is no way on Earth a 28th September account from Bloomberg could have appeared in a July 16th hearing. I do not own a time machine.

15. I had asked the court to force UBS to disclose the details of its confession to the DoJ, so that the materials can be used in other court applications. Had the judge done his job, I would now be able to furnish the Court of Appeal with material far more direct and probative.
16. I am currently initiating a JCIO complaint against Judge Haddon-Cave.
17. **To summarize** – UBS confessed to precious metal price manipulation to the DoJ, and have not made a legal denial of such in the 21st Sept hearing. Given that confession, they could only have committed perjury in the July 16th hearing. The evidence for this came after my materials were submitted to the court, and were unknown to me during the hearing, not stated during the hearing, and so consists of new evidence. Judge Haddon Cave ruled against forcing disclosure of such materials, allowed defendants to argue without liability. He was patently dishonest about the content of the Bloomberg article in his verdict, and functioned throughout the hearing while recused, and never contested the validity of the recusal in any way.
18. In the verdict to this unlawful hearing the judge said that it was wrong of me to bring litigation against the banks – as if anti competition laws do not exist, and as if banks are too big for little people like me to litigate against. This is all undermines the rule of law.
19. I believe that since he was recused, all of his misconduct after the point of recusal would constitute a criminal offence and perhaps his conduct indictable as misconduct in public office with the intent and effect of conspiring to commit market manipulation.
20. I will petition the DoJ to reveal what was in the confession.
21. I believe I have not misrepresented the key issues by omission or distortion.
22. In defence of this document I supply here two URLs to Bloomberg's report.
23. http://www.bloomberg.com/news/articles/2015-09-28/swiss-competition-body-probes-banks-in-precious-metals-trading
24. http://www.bloomberg.com/news/articles/2015-05-20/ubs-shielded-from-charges-in-u-s-precious-metals-investigation
25. I also attach in the email in which this document was sent a copy of the application notice I filed for the Oct 21st hearing, and a copy of the witness statement I supplied, and a copy of the skeleton argument I wanted to use.

I, Mark Anthony Taylor, believe everything in this document is true – 23 Oct 2015